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Attorneys for Defendant and Counterclaimant
MOSAIC TILE SUPPLIES, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUNSET MOUNTAINS, INC., d/b/a MOSAIC
TILE MARKET. a California corporation,

Plaintiff,

v.

MOSAIC TILE SUPPLIES, LLC, a Texas
limited liability company,

Defendant.

Civil Action No. C 07 4007 (PJH)

**MOSAIC TILE SUPPLIES, LLC'S MOTION
FOR A MODIFICATION OF THE TRIAL
DATE PURSUANT TO CIVIL L.R. 7-11**

Pursuant to Civil L.R. 7-11, the Defendant and Counterclaimant, Mosaic Tile Supplies, LLC ("Mosaic Tile"), through its undersigned attorneys, submits this Motion for a Modification of the Trial Date. Mosaic Tile respectfully requests the court to move the trial date, currently scheduled for March 16, 2009, to September 8, 2009. Mosaic Tile also requests that the Pretrial Conference date be moved from February 19, 2009, to August 11, 2009, and the date by which all dispositive motions be heard by be set as May 11, 2009. In support of this Motion, Mosaic Tile states the following:

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2 1. As the Court is aware, Mediation for this matter was originally set for completion by
3 April 15, 2008. The Court appointed Jack L. Slobodin to mediate the present action. The parties,
4 through their counsel, and Mr. Slobodin held a conference call on or about February 27, 2008. At that
5 time, they scheduled a one-day mediation to be held in San Francisco on April 15, 2008. On April 8,
6 2008, the parties were contacted by Mr. Slobodin's office and informed that Mr. Slobodin would no
7 longer be able to serve as the parties' mediator on April 15 due to the continuation of a trial in another
8 jurisdiction. Mr. Slobodin was still available to serve as the parties' mediator at a later date.

9 2. The parties filed a Joint Stipulation requesting a modification of the Mediation
10 completion date on April 22, 2008. By Order of this Court, entered on April 23, 2008, the Mediation
11 completion date was moved to July 14, 2008.

12 3. Mediation between the parties is now currently scheduled for June 19, 2008.

13 4. As Mediation has been delayed for more than 60 days, it is respectfully submitted that the
14 trial date should be moved to accommodate the now truncated schedule and to allow for the continued
15 progress towards a good-faith settlement in this matter.

16 5. Additionally, during the Case Management Conference held on December 13, 2007,
17 counsel for Mosaic Tile informed the court that co-counsel might not be available for trial in March
18 2009.

19 6. It has now become apparent that a conflict exists for co-counsel as to the March 16, 2009
20 trial date.

21 7. Counsel for Mosaic Tile contacted the Court and was notified that the earliest open dates
22 for trial are during August and September 2009.

23 8. Counsel for Mosaic Tile has conferred with opposing counsel and determined that
24 September 8, 2009 is an available date for all counsel and parties.

25 9. It should be noted, that all counsel and parties are available for trial during August 2009,
26 if the Court so desires.

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2 10. Pursuant to Civil L.R. 7-11 and Civil L.R. 7-12, Mosaic Tile annexes hereto the
3 Joint Stipulation and the corresponding Proposed Order.
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5 Respectfully submitted,
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10 Dated: May 21, 2008

By /Donald E. Morris/
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17 Attorneys for Defendant and Counterclaimant
18 MOSAIC TILE SUPPLIES, LLC
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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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